

IN RE: PETITIONS FOR VARIANCE - NE/S	* BEFORE THE
Patapsco Avenue and SW/S Severn Avenue	
(308, 310 & 312 Patapsco Avenue, and	* ZONING COMMISSIONER
303 & 303A Severn Avenue)	
15 th Election District	* OF BALTIMORE COUNTY
7 th Council District	
	* Cases Nos. 02-299-A, 02-300-A, 02-301-A,
Donald S. Leiter, et ux, Owners;	02-302-A and 02-303-A
Glen Arm Homes, LLC, Builder	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above captioned matters came before this Zoning Commissioner for a single public hearing to consider Petitions for Variance for five contiguous properties located in the Chesaco Park subdivision of eastern Baltimore County. The Petitions were filed by Nancy Leiter, surviving spouse of Donald S. Leiter, property owner, and Glen Arm Homes, LLC, builder. In each case, variance relief is sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of less than the 55 feet required, side yard setbacks of 5 feet each in lieu of the required 10 feet, a lot area less than 6,000 sq.ft., and approval of the subject lots as undersized, pursuant to Section 304 of the B.C.Z.R. Finally, general relief is requested to approve any other variances as may be deemed necessary by the Zoning Commissioner. All of the lots in question, and the requested relief are more particularly shown on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in these matters were Nancy M. Leiter, property owner; Thomas A. Church, Professional Engineer who prepared the site plan for these properties; and, David Schulte and J. F. Levindusky on behalf of Glen Arm Homes, Builders. Also appearing in support of the request was Russ Mirabile, the Petitioner's brother and an active member of the Chesaco Park Community Association. A number of residents from the surrounding locale appeared in opposition to the request, including Pat Conway, Phil Marll, A. K. Huth, P. Bartosz, A. J. Sonntag and Nancy Schmidt.

ORDER RECEIVED FOR FILING

Date

4/2/02

By

[Signature]

Collectively, the Petitioner's proposal centers upon the proposed re-subdivision of 10 contiguous lots of record located within the Chesaco Park subdivision to create five new lots. As is the case with many of the older subdivisions in Baltimore County, the plat for Chesaco Park was laid out and recorded in the Land Records of Baltimore County well prior to the adoption of zoning regulations. Thus, by their nature, the lots are insufficiently sized to meet current requirements. The lots at issue include Lots 115 through 120, which front Patapsco Avenue and Lots 164 through 167, which front Severn Avenue. It is also to be noted that the four lots on Severn Avenue abut Lots 115 through 118, which front on Patapsco Avenue. Presently, a 1½ story single family dwelling with a detached garage, known as 312 Patapsco Avenue, straddles the lot line between Lots 117 and 118. Lots 115, 116, 119 and 120 are unimproved, as are Lots 164 through 167.

Ms. Leiter testified that she and her late husband have owned the subject property for many years. After his death, she attempted to sell the dwelling on Lots 117 and 118, but was unsuccessful. She now proposes razing that dwelling and re-subdividing the entire parcel as shown on the site plan to create five new lots. Specifically, the six lots identified as Lots 115 through 120 on Patapsco Avenue will be subdivided to create three new lots, and the four lots identified as Lots 164 through 167 on Severn Avenue will be subdivided to create two new lots. Each new lot will be 50 feet wide and 100 feet deep, and contain 5,000 sq.ft., which is less than the 6,000 sq.ft. required for a D.R.5.5 lot. As shown on the site plan, five single family dwellings are proposed, and will be known as 308 Patapsco Avenue (Lots 115 & 116), 310 Patapsco Avenue (Lots 117 & 118), 312 Patapsco Avenue (Lots 119 & 120), and, 303 Severn Avenue (Lots 166 & 167) and 303A Severn Avenue (Lots 164 & 165). The site plan shows that each lot will maintain a 5-foot side yard setback, which is less than the minimum 10 feet required. However, Mr. Church indicated at the hearing that houses with a width of 30 feet could be constructed on the lots, thereby maintaining a 10-foot setback on each side.

In support of the request, Ms. Leiter indicated that other homes in this community were built on 50-foot wide lots. Although admitting that the community indeed features homes on properties anywhere from 50 feet to 100 feet in width, Ms. Leiter believes that her proposal is not

inconsistent with the community. She believes it unfair that strict adherence to the regulations be required in this case, when other 50-foot wide lots exist in the community. She also presented testimony that her properties are taxed as four distinct parcels. Specifically, Lots 164 and 165 are taxed as a single unit, as are Lots 166 and 167, Lots 119 and 120, and Lots 115 through 118.

Testimony was also received in support of the request from Mr. Levindusky, Mr. Church and Mr. Mirabile. Mr. Church's testimony generally centered upon a presentation of the site plan. Mr. Levindusky indicated that it would not be economically feasible if required to build on lots that met the minimum width and area requirements. Mr. Mirabile indicated that members of the community are split on this issue. Apparently, there are some individuals who support the request and others who oppose same.

Testimony from the Protestants generally indicated that they believe the proposed development will overcrowd the land and be inconsistent with the community. Although acknowledging that there are 50-foot wide lots in Chesaco Park, the Protestants indicated that most of the homesites are larger. Of those lots that are 50 feet wide, the Protestants indicated that many of those were the result of family conveyances. Concerns were also expressed relating to traffic. Apparently, Patapsco Avenue is 19 feet wide and street parking can be difficult. Although Severn Avenue is wider, concerns were expressed about the additional traffic that would be generated by the five proposed homes. The Protestants also believe that the proposed subdivision would be an over-development of the subject property and would be aesthetically detrimental to the community.

It is also to be noted that the subject property is located within the Chesapeake Bay Critical Areas, not far from Back River. Thus, any development thereon must comply with Critical Areas regulations that were imposed to protect the Bay and its tributaries. Among those regulations is a requirement that limits the amount of impervious surface on each lot. The building envelopes proposed on the site plan show that a significant percentage of each lot will be impervious, or, covered by virtue of the proposed improvements. Although the Petitioner proposes the installation of parking pads to address the street parking issue, an additional area of driveway may be violative of the Chesapeake Bay Critical Areas requirements. That is, on-site parking pads and driveways

would surely add significant areas of impervious surface to each lot, in addition to the proposed homes.

The grant of variances in Baltimore County is governed by Section 307 of the B.C.Z.R. This regulation, as well as other similar statutes in various Maryland counties, has been comprehensively discussed by the appellate courts of this state. In McLean v. Soley, 270 Md. 3208 (1973), the Court concluded that variance relief should be granted only if in strict harmony with the spirit and intent of the zoning regulations. The Court further noted that the justification of the variance must be substantial and urgent and not merely for the convenience of the applicant. Similarly, in Easter v. Mayor and City Council of Baltimore, 195 Md. 395 (1950), the Court stated "...the mere fact that the variance would make the property more profitable is not a sufficient ground to justify the relaxation of setback requirements" (Pg. 400).

More recently, the Court of Special Appeals construed the variance statute in Cromwell v. Ward, 102 Md. App. 691 (1995). Therein, the Court stated that the Petitioner must show that the subject property is unique in order for variance relief to be granted. Only upon a finding of uniqueness can the Zoning authority next determine whether strict adherence to the regulations would cause the property owner a practical difficulty. Finally, variance relief can only be granted if there will be no adverse impact to adjacent properties.


I am appreciative of Ms. Leiter's desire to maximize the subdivision of this property. I also understand that there are other 50-foot wide lots in this community; however, whether these lots are the result of variance relief or nonconforming development that predates the adoption of the zoning regulations in Baltimore County is not clear. As to the subject proposal, it is apparent that the Petitioner has not satisfied the legal requirements for variance relief to be granted. Any contended hardship is surely self-imposed and the justification for the relief is nearly entirely economically based. Clearly, the Petitioner could subdivide her holdings into three lots and meet the requirements. Specifically, a single family dwelling could be built on Lots 115 through 117, a second on Lots 118 through 120, and a third on Lots 164 through 167. Ms. Leiter could even convey, for appropriate compensation, Lot 164 to Mr. Marll, the adjacent property owner, which

would provide him with a larger side yard and still leave her sufficient acreage to meet the regulations to build a single family dwelling on Lots 165 through 167. In any event, whatever her options, they do not include the proposed 5-lot subdivision. The Petitioner has clearly failed to adduce testimony and evidence sufficient to meet the difficult legal burden established by law.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of April, 2002 that the Petitions for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of less than 55 feet as required, side yard setbacks of 5 feet each in lieu of the required 10 feet, a lot area of less than 6,000 sq.ft., and approval of the subject lots as undersized, pursuant to Section 304 of the B.C.Z.R., for a proposed subdivision to create five new lots, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Any appeal of this decision must be filed within thirty (30) days of the date of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/2/12
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 2, 2002

Ms. Nancy Leiter
7934 Oakdale Avenue
Baltimore, Maryland 21237

RE: PETITIONS FOR VARIANCE
NE/S Patapsco Avenue and SW/S Severn Avenue
(308, 310 & 312 Patapsco Avenue, and 303 & 303A Severn Avenue)
15th Election District – 7th Council District
Donald S. Leiter, et ux - Petitioners
Cases Nos. 02-299-A, 02-300-A, 02-301-A, 02-302-A and 02-303-A

Dear Ms. Leiter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Russ Mirabile, P.O. Box 70065, Rosedale, Md. 21237
Mr. Thomas A. Church, P.E., Development Engineering Consultants, Inc.
6603 York Road, Baltimore, Md. 21212
Messrs. David T. Schulte & J. F. Levindusky, Glen Arm Homes, LLC
12238 Long Green Pike, Glen Arm, Md. 21057
Mr. Pat Conway, 300 Patapsco Avenue, Rosedale, Md. 21237
Mr. Phil Marll, 305 Severn Avenue, Baltimore, Md. 21237
Mr. A. K. Huth, 311 Patapsco Avenue, Baltimore, Md. 21237
Mr. P. Bartosz, 313 Patapsco Avenue, Baltimore, Md. 21237
Mr. O. J. Sonntag, 307 Severn Avenue, Baltimore, Md. 21237
Ms. Nancy Schmidt, 401 Patapsco Avenue, Baltimore, Md. 21237
Mr. A. J. Bierman, 7941 Pulaski Highway, Baltimore, Md. 21237
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #303A SEVERN AVENUE

which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 FOR A LOT WIDTH LESS

THAN 55 FT., AND A SIDEYARD OF 5 FT. IN LIEU OF REQUIRED 10 FT.,

AND A LOT AREA LESS THAN 6,000 SQ. FT., to approve an undersized lot per section 304, and to approve any other variances deemed necessary by the Zoning Commission of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) LOT IS IN PREVIOUSLY RECORDED SUBDIVISION, AND

ARE SMALLER THAN CURRENT ZONING REGULATIONS ALLOW.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

GLEN ARM HOMES, LLC.

Name - Type or Print

Signature

12238 LONG GREEN PIKE 410-592-3600

Address Telephone No.

GLEN ARM, MD 21057

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

DONALD S. LEITER

Name - Type or Print

Signature

NANCY LEITER

Name - Type or Print

Signature

7934 OAKDALE AVE. 410-391-4240

Address Telephone No.

BALTIMORE, MD 21237

City State Zip Code

Representative to be Contacted:

THOMAS A. CHURCH, P.E.

DEVELOPMENT ENGINEERING CONSULTANTS, INC

Name

6603 YORK ROAD 410-377-2600

Address Telephone No.

BALTIMORE, MD 21212

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 1/14/02

20 9/15/98

ORDER RECEIVED FOR FILING
Date
By

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

#303A SEVERN AVENUE

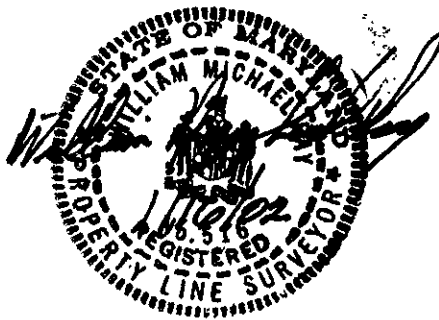
Beginning at a point on the southwest side of Severn Avenue which is 40 feet wide at the distance of 170 feet northwest of the centerline of the nearest improved intersecting street Poplar Avenue which is 40 feet wide. Being Lots 165 and 164 Plan D in the subdivision of Chesaco Park as recorded in Baltimore County Plat Book 6, Folio 164.

Containing 5,000 square feet or 0.1148 acres, more or less.

Also known as #303A Severn Avenue and located in the 15th Election District, 7th Councilmanic District.

02-100

January 15, 2002



#303

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 07817

DATE 1/16/02 ACCOUNT 2001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: DEVELOPMENT ENGINEERING CONSULTANTS, INC.
FOR: VARIANCE & UNDERSIZED LOT

#303 A SEVERN AVE.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

ITEM #303

PAID RECEIPT

PAYMENT ACTUAL TIME
1/17/2002 1/16/2002 14:21:34
REF 0001 CASHIER JRIC JNR DRAWER 1
RECEIPT # 000000 DETN
DEPT - S WEB-BEARING VERIFICATION
CP NO. 07817

Recpt No 50.00
PAID BY JRIC JNR
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-303-A

303A Severn Avenue

S/S Severn Avenue, 170' W centerline Poplar Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Donald S. & Nancy Leiter

Contract Purchaser: David T. Schultz

Variance: to approve an undersize lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet in lieu of the required 10 feet, also a lot area of 5000 square feet in lieu of the required 6000 square feet and to approve any other variances deemed necessary by the zoning commissioner.

Hearing: Monday, March 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391

2/308 Feb. 28

C522891

CERTIFICATE OF PUBLICATION

3/1/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/28/2002.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-303-A

Petitioner/Developer: DAVID T.

SCHULTZ

Date of Hearing/Closing: 3/18/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 303 A SEVERN AVE

The sign(s) were posted on 3/2/02
(Month, Day, Year)

Sincerely,

[Signature] 3/2/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

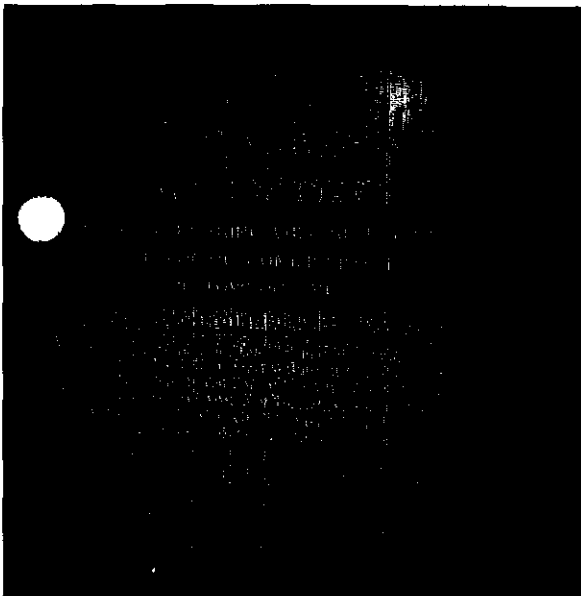
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-303-A

Petitioner: GLEN ARM HOMES, LLC.

Address or Location: #303A SEVERN AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Address: 6603 YORK ROAD

BALTIMORE, MD 21212

Telephone Number: 410-377-2600

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 28, 2002 Issue – Jeffersonian

Please forward billing to:

Development Engineering Consultants Inc
Thomas A Church
6603 York Road
Baltimore MD 21212

410 377-2600

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-303-A

303A Severn Avenue

CORRECTION

S/S Severn Avenue, 170' W centerline Poplar Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Donald S & Nancy Leiter

Contract Purchaser: David T Schultz

Variance to approve an undersize lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet in lieu of the required 10 feet, also a lot area of 5000 square feet in lieu of the required 6000 square feet and to approve any other variances deemed necessary by the zoning commissioner.

HEARING: Monday, March 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT CD2
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

February 13, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

~~CASE NUMBER: 02-303-A~~

303A Severn Avenue

S/S Severn Avenue, 170' W centerline Poplar Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Donald S & Nancy Leiter

Contract Purchaser: David T Schultz

Variance to approve an undersize lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet in lieu of the required 10 feet, also a lot area of 5000 square feet in lieu of the required 6000 square feet and to approve any other variances deemed necessary by the zoning commissioner

HEARING: Monday, March 18, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon 672
Director

C: Nancy & Donald Leiter, 7934 Oakdale Avenue, Baltimore 21237
Glen Arm Homes LLC, David T Schultz, 12238 Long Green Pike, Glen Arm 21057
Development Engineering Consultants, Inc, Thomas A Church, 6603 York Road,
Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 2, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 15, 2002

Mr. & Mrs. Donald S Leiter
7934 Oakdale Avenue
Baltimore MD 21237

Dear Mr. & Mrs. Leiter:

RE: Case Number: 02-303-A, 303A Severn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 16, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Glen Arm Homes LLC, David T Schultz, 12238 Long Green Pike, Glen Arm 21057
Development Engineering Consultants Inc, Thomas A Church, 6603 York Road,
Baltimore 21212
People's Counsel

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: March 7, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for February 19, 2002
Item No. 303

The Bureau of Development Plans Review has reviewed the subject zoning item.

The existing paving width and right-of-way shown on Severn Avenue is incorrect. See record Drawings 75-0109, 75-0110 for storm drains in the area.

Also, see the State Highway Administration for road and grade crossing improvements to Severn Avenue. The front building setback lines will be affected by the right-of-way along Severn Avenue.

RWB:HJO:cab

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 13, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF February 11, 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 506,
307, 308, 309, 311, 312,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd G. Taylor TGT

DATE: March 11, 2002

SUBJECT: Zoning Item 303
Address 303 A. Severn Avenue

Zoning Advisory Committee Meeting of February 11, 2001

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

_____ Additional Comments:

Reviewer: Keith Kelley

Date: March 11, 2002

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 20, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-299, 02-300, 02-301, 02-302 & 02-303

The Office of Planning has reviewed the above referenced cases and recommends that the petitioner's request be **DENIED**.

For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.12.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 303 TBZ

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
303A Severn Avenue, S/S Severn Ave,
170' W of c/l Poplar Ave
15th Election District, 7th Councilmanic

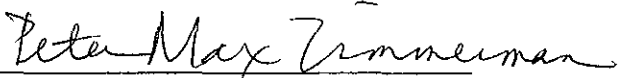
Legal Owner: Donald & Nancy Leiter
Contract Purchaser: Glen Arm Homes, LLC
Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-303-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212, representative for Petitioners.


PETER MAX ZIMMERMAN

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

2/6/02

TO: Director, Office of Planning & Community Conservation
Attention: Jeffray Long
County Courts Building, Room 406
101 Bosley Avenue
Towson, MD 21204

Permit or Case No. 02-303-A

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)Accepted by 3H
Date 1/16/02

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

GLEN ARM HOMES, L.L.C. 12238 LONG GREEN PIKE, GLEN ARM, MD 21057 410-592-3600
First Name of Applicant Address Telephone Number

Lot Address #303A SEVERN AVE. Election District 15 Councilmanic District 7 Square Feet 5,000 ±

Lot Location: NE S W side/corner of SEVERN AVE. 150 feet from NE S W corner of POPLAR AVE.
(street) (street)

Land Owner: DONALD & NANCY LEITER Tax Account Number 15-13-554648

Address: 7934 OAKDALE AVE., BALTIMORE, MD 21237 Telephone Number (410) 391-4240

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

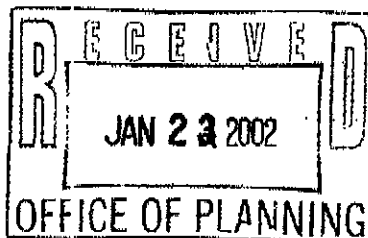
	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topographic (2 copies): available in Room 208, County Office Building - (please label site clearly)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Building Elevation Drawings	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Photographs (please label all photos clearly) Adjoining Buildings	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surrounding Neighborhood	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Current Zoning Classification: <u>D.R.-S.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☒ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations.

Signed by: Jeffrey W. Long
To: The Director, Office of Planning and Community Conservation

Date: 1/30/02

Revised 2/25/99

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

As
3/18
file

JOHN L. GRUMBACH
310 PATAPSCO AVE.
TOWSON, MD 21204
410-528-1234
JLGRUMBACH@AOL.COM

March 12, 2002

Mr. Lawrence E. Schmidt,
Baltimore County Zoning Commissioner
County Courts Building - Room 407
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Schmidt

I am writing this letter to protest the proposed zoning variances requested for the following locations,

- 303 Severn Ave. Case # 02-302-A
- 303A Severn Ave. Case# 02-303-A
- 308 Patapsco Ave. Case# 02-299-A
- 310 Patapsco Ave. Case# 02-300-A
- 310A Patapsco Ave. Case# 02-301-A

The contract buyer of these properties wants to build five (5) houses on this plot of ground which is less than an acre. This would in effect jam these houses into a small piece of ground and create a density that cannot be found anywhere in this development. This is an old established neighborhood of individual homes and we would like it to improve in the future not become a blighted area. I am afraid the cluster of homes that are so close together would make it look like a housing project. This would decrease the value of existing homes in the area. In other parts of Baltimore County you need at least 1/2 acre lots or more to build a house. Please help keep our neighborhood at least looking respectable. We have worked so hard to work with the land we have and past zoning variances that we really don't need any more. This appears to be an exercise to squeeze as much money out of a piece of ground as possible with the blessing of the County. Don't be caught up in it.

Please deny these requests on all accounts. Perhaps three houses not five would make a better fit on this plot of ground but certainly not any more than that, and only if the existing house is torn down. I am not against progress or building to make the Community a better place to live as long as it is within responsible guidelines..

Thank you for any consideration you may give to this request.

Sincerely,



John L. Grumbach
A resident of this old/established Community.

Copy of Order
mailed 4/12/02
-Bp

March 15, 2002

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
Room 407
401 Bosley Avenue
Towson, Maryland 21204

MAR 18 2002

Our address is 305 Severn Avenue, Baltimore County, Maryland 21237-3227. The parcel of land next to my house is 100 feet wide by 200 feet deep bordered by Severn Avenue on the North and Patapsco Ave to the South. The parcel of land behind my home is 50 feet wide by 100 feet deep and is bordered by the back of my property to the north and Patapsco Avenue to the south. A developer, Mr. David Schultz, is planning to purchase the property contingent on receiving permission from the Baltimore County Zoning Commissioner to build five (5) homes on the small piece of land. Mr. Schultz has requested the Commissioner to approve two (2) houses on the ground next to my home making the lots 50 feet wide by 100 feet deep. He has also requested to build three (3) homes behind my home with the same lot dimensions. Mr. Schultz has further requested several variances be approved such as 50 foot wide lots instead of the required 55 foot lots, 5000 square foot lots as opposed to the required 6000 square foot lots, and setbacks of 5 feet in lieu of the required 10 foot setbacks. The zoning case numbers are 02-299A, 02-300A, 02-301A, 02-302A, and 02-303A.

My wife and I are in total support of homes being built on the lot, however we must contest the amount of homes to be built. We strongly urge the Zoning Commissioner to respectfully consider allowing only three homes to be built on the small parcel of land. One home on the lot next to my home providing a lot of 100 feet wide by 100 feet deep and two homes behind my home with lot sizes of 75 feet wide by 100 feet deep. Esthetically, this would keep the "suburban look" of the neighborhood and keep the area from resembling a "trailer park." All other homes in this neighborhood are separated in a respectable manner and still have the "suburban" look to them. By allowing five (5) homes to be built on this land would definitely be an eyesore to an old established Baltimore County community.

Another major drawback to the amount of homes proposed is the street parking situation. The street is only thirty (30) feet wide, divided by a double solid yellow line and is the **ONLY** access across railroad tracks, leading into this residential community of Chesaco Park. When vehicles are parked on the street (neighborhood gatherings, etc.) it becomes very difficult for vehicles going up and down Severn Avenue to make safe passage. Vehicles literally have to go across the double solid yellow line in an effort to pass vehicles parked along this street. Since these occasions are rare (New Years Eve, cookouts, etc), it has not caused a substantial amount of problems. However, if two more homes were to be built on Severn Avenue this parking problem would intensify and become an everyday occurrence, thus creating a substantial traffic hazard. Since the proposed lot sizes are so small, there would only be enough room to allow for a small driveway for one car. Therefore, all other cars would have to be parked on the narrow street. If the lot sizes were increase (within the variance guidelines) the homes would be able to have larger driveways, being able to accompany more vehicles. Although vandals have recently

torn the sign down, there is a Mass Transit Administration bus stop directly in front of the proposed homes located next to my property. Therein, this creates another major traffic problem due to parking not being permitted due to the bus stop sign. Note: MTA has been contacted to replace the missing sign.

As stated earlier, Severn Avenue is the **ONLY** road leading into this section of Chesaco Park. All Fire and Police Department vehicles as well as snow removal, trash trucks, delivery trucks, etc. must access the rest of the homes in this community via Severn Avenue. Therefore, as you can see, parking on this street needs to be limited so a life is not lost due to a lack of free passage of an emergency vehicle. As a direct result of this limited parking, we extended our "single car" driveway back several feet in order for it to accommodate both of our cars. By doing this, we have to rotate our cars (mine in front of my wife's, or her's in front of mine) depending on who is going to leave first. This was done at our own cost, to help eliminate the street parking problem and because our lot is small and does not allow for additional "side by side" driveway. This is the same problem that would be recreated by allowing two more homes to be built next to mine – simply, not enough parking! I understand the developer has recently stated he plans to have a driveway 10 feet wide by 40 feet long next to each proposed home. Although this sounds appealing, what will guarantee that the new owners will comply with parking their cars on the driveway, knowing they will have to shuffle them back and forth as my wife and I do, when they can simply choose to park on the street. In my opinion, the parking situation on Severn Avenue has not been properly addressed and parking on the street needs to be avoided as much as possible.

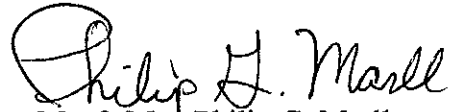
It should further be noted that Patapsco Avenue is only nineteen (19) feet wide and there is no curb on either side of this street for residential street parking. Also, there are no sidewalks along this street. Parking on this street would definitely create a disruption in the free flow of traffic along this residential road and obviously parking on the street would be prohibited.

As stated previously, we are trying to be reasonable about this zoning matter and would be happy to see no more than three houses being built on the land. Houses with enough ground to support a garage or a double car driveway. By maintaining the variance restrictions per county law, the three homes would not clutter the neighborhood and turn it into something resembling a "trailer park." A decision by the Zoning Commissioner to approve the five homes will definitely have an adverse impact on our neighbors and us. Your decision to allow this type of building will definitely have and adverse impact on the quality of our lives and a negative impact on our ability to sell our home in the future. Please remember that when we purchased our home almost sixteen years ago, we had no idea that someday we would be facing this dilemma. Had we known, obviously we would have sought a residence somewhere else!

The zoning laws in Baltimore County are clear. The petitioner needs to justify a substantial and urgent exception to have the variances approved. They (variances) should not be approved just merely for the convenience of the petitioner! Section 307.1 (Variances) states: The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the

subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulation shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare.

Sincerely,

A handwritten signature in black ink, reading "Philip G. Marll". The signature is written in a cursive style with a large, looped initial "P".

Mr. & Mrs. Philip G. Marll

305 Severn Avenue

Baltimore, Maryland 21237-3227

H) 410-687-2818

W) 410-887-3943

305 Severn Avenue

Bus Stop



Proposed development of five (5) houses

↑ = Proposed homes

Mr. PATRICK Conway

